

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

**Truth-in-Billing
and
Billing Format**

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CC Docket No. 98-170

Petition for Temporary, Limited Waiver

Georgetown Telephone Company ("Georgetown"),¹ by counsel, hereby seeks temporary, limited waiver of the Truth-in-Billing ("TIB") requirements established by the Federal Communications Commission ("Commission" or "FCC") in its First Report and Order and Further Notice of Proposed Rulemaking in the above-captioned matter.² Specifically, Georgetown seeks temporary waiver of the requirements of Section 64.2401(a)(2) regarding separating charges by service provider (the "TIB Separate Provider Requirement").³ Georgetown seeks this waiver until April 1, 2000 because it is technically incapable of rendering

¹ Attachment A contains the declaration of Joie Miller, Vice President/General Manager of Georgetown. The declaration bears a facsimile signature. The original signed declaration will be filed upon receipt by counsel.

² In the Matter of Truth-in-Billing and Billing Format, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-170, FCC 99-72, released May 11, 1999, 64 Fed. Reg. 34488 (June 25, 1999) ("TIB Order"); Errata, CC Docket No. 98-170, DA 99-2092, released October 6, 1999.

³ In pertinent part, 47 C.F.R. § 64.2401(a)(2) states that "[w]here charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider. . . ."

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a bill that complies with the TIB Separate Provider Requirement by its November 12, 1999 effective date.⁴

Georgetown, which is a member of the United States Telecom Association ("USTA"), recognizes that a pending Petition filed by USTA seeks similar relief for USTA member companies.⁵ Moreover, Georgetown recognizes that a pending Joint Petition filed by the National Exchange Carrier Association, Inc., the National Telephone Cooperative Association, and the Organization for the Promotion and Advancement of Small Telecommunications Companies, Inc. (collectively the "Associations") also seeks similar relief for their member companies. Accordingly, in the event that action on the USTA Petition and/or the Associations' Petition does not grant the extent of the relief requested herein, Georgetown requests a waiver of the TIB Separate Provider Requirement until April 1, 2000.

Until the requested waiver expires, however, Georgetown's customer representatives will continue to provide assistance to customers with questions concerning charges from particular carriers. Georgetown respectfully submits that these actions will ensure that the underlying public interest objectives of the TIB Separate Provider Requirement will be advanced during the time that the requested waiver is necessary and in effect.

⁴ See 64 Fed. Reg. 55163 (Oct. 12, 1999); see also Public Notice, DA 99-2030 (Sept. 30, 1999) and Public Notice, DA 99-1789 (Sept. 2, 1999). Georgetown notes that it participated with other companies in a petition filed on October 27, 1999 seeking temporary, limited waiver of the FCC's TIB requirements found in 47 C.F.R. § 64.2401(d). See generally Petition for Temporary, Limited Waiver, CC Docket No. 98-170, filed October 27, 1999. Because of new information that it has only recently received from its billing software vendor following the October 27th filing, Georgetown also seeks this waiver of the TIB Separate Provider Requirement for the reasons stated herein.

⁵ See Public Notice, DA 99-1616, released August 13, 1999.

I. Background

Georgetown provides exchange and exchange access services to approximately 350 lines in Mississippi. Georgetown is a rural telephone company under the Communications Act of 1934, as amended. Georgetown uses Communications Data Group ("CDG") as its billing vendor. In May, 1999, after the release by the FCC of its TIB Order, Georgetown became aware of the various TIB requirements and anticipated relying upon CDG for the necessary software upgrades required by Georgetown for TIB compliance. Georgetown is concentrating its efforts on Year 2000 issues.

On November 3, 1999, CDG informed Georgetown that compliance with the TIB Separate Provider Requirement would be an issue. As soon as this information was received, Georgetown immediately investigated what specific TIB issues needed to be addressed, and what billing system software upgrades were required for compliance with the TIB Separate Provider Requirement. Georgetown understands that an estimated delivery date for the necessary software will, according to CDG, be provided soon. Once these upgrades are received, Georgetown will then undertake appropriate testing to ensure that such compliance is achieved. However, because of the need to comply with other TIB rules by April 1, 2000,⁶ Georgetown also requests a waiver until that date to comply with the TIB Separate Provider Requirements.⁷ As explained below, the practical problems and existing billing software system limitations

⁶ See n.4, supra.

⁷ Georgetown will supplement this filing once CDG confirms a delivery date for the software required by Georgetown to comply with the TIB Requirements.

confronting Georgetown associated with implementing the TIB Separate Provider Requirement make compliance infeasible by November 12, 1999.

Georgetown seeks a waiver of TIB Separate Provider Requirement in light of its billing for non-recurring charges and credits for other carriers. Georgetown's existing billing system currently aggregates all non-recurring charges and credits in the local section of its bill. However, because Georgetown provides "1+" billing and collection services for carriers, these carriers' non-recurring charges and credits are printed in the same section of the bill as the non-recurring charges and credits for local services offered by Georgetown. Georgetown notes, however, that each such charge and credit is labeled by carrier, and that customer inquiries concerning such charges have been minimal. Based on the information received by Georgetown by CDG, Georgetown is technically incapable of placing other carrier's non-recurring charges and credits in their respective section of the bill by November 12, 1999 as required by the TIB Separate Provider Requirement.⁸

II. Good Cause Exists for and the Public Interest will be Served by a Grant of this Limited Waiver

Based on these facts and circumstances, Georgetown respectfully submits that good cause exists for a grant of this limited waiver, and that the public interest will be served by such action. As demonstrated herein, Georgetown's software vendor will not be able to develop the necessary software required to meet the TIB Separate Provider Requirement by this date. Moreover, even assuming the availability of the software upgrades, Georgetown would not be able to successfully test such upgrades by November 12, 1999. Although Georgetown

⁸ See TIB Order at para. 31.

understands that CDG will soon be providing an expected delivery date for the necessary software, in light of the other TIB rule requirements being waived until April 1, 2000,⁹ Georgetown anticipates that compliance with the TIB Separate Provider Requirement should be possible by April 1, 2000. Accordingly, for the reasons stated, good cause exists for this waiver.¹⁰

Georgetown also respectfully submits that the public interest would be served by grant of this request. First, the Commission has recognized the need to balance the implementation of new regulatory directives which affect computerized systems with on-going Year 2000 activities.¹¹ The software changes required by Georgetown clearly fall into this Commission-defined category. The Commission's concerns regarding utilization of its Year 2000 Policy Statement to "'forestall' or 'roll back' disfavored regulations, or use this policy for purposes of competitive advantage"¹² are not applicable here. Georgetown is working with CDG toward TIB compliance and seeks only a limited extension of time that is otherwise consistent with the

⁹ See n.4, supra.

¹⁰ "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹¹ See In the Matter of Minimizing Regulatory and Information Technology Requirements That Could Adversely Affect Progress Fixing the Year 2000 Date Conversion Problem, Year 2000 Network Stabilization Policy Statement, FCC 99-272, released October 4, 1999 ("Year 2000 Policy Statement") at para. 15.

¹² Id. at para. 16.

underlying objectives which justified the Commission-prescribed compliance date of certain other TIB rules. Accordingly, there is no basis to conclude that Georgetown is attempting to "forestall" or "roll back" disfavored regulations. In addition, there is no "competitive advantage" associated with this request. A grant of this waiver does not affect a competitor of the Georgetown; rather it allows an interim measure to be implemented that allows continuation of existing billing arrangements for other carriers in a manner consistent with the status of the overall TIB compliance efforts by Georgetown.

Second, the Commission has already determined that the April 1, 2000 date is appropriate for implementing other TIB rules.¹³ Accordingly, the ability of Georgetown to continue to work toward the April 1, 2000 implementation date for all TIB rules would ensure efficiency and continuity in the necessary enhancements of its billing system capability without incurring unnecessary expenditures or jeopardizing Year 2000 compliance issues.

Third, the underlying goal of the TIB Separate Provider Requirement -- the ability of a customer to identify a carrier and make inquiry concerning a charge -- would not be frustrated by a grant of the requested waiver. As is done today, even after the requested waiver expires, Georgetown will continue to provide its local telephone number on the bill in order to allow customers to contact Georgetown about charges.

Even assuming that harm to the public interest is present, that harm does not outweigh the public interest benefits arising from a grant of this request. As indicated, customers' concerns regarding carriers' non-recurring charges and credits have been minimal. Moreover,

¹³ See n.4, supra.

Georgetown anticipates that its experience will not change during the time that the requested waiver is in place.

III. Conclusion

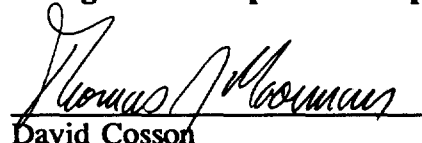
Because Georgetown is technically incapable of complying with the TIB Separate Provider Requirement by November 12, 1999, a grant of this request until April 1, 2000 should ensure that Georgetown can implement and successfully test the billing system software upgrades required to implement the TIB Separate Provider Requirement in an efficient manner, while avoiding unnecessary expense or raising additional Year 2000 compliance issues. At the same time, the consumer goals of the TIB Separate Provider Requirement will not be frustrated by a grant of this request. Rather, such goals will be furthered by Georgetown as it continues to provide customer assistance and responsiveness when questions are received regarding charges from particular carriers.

Accordingly, in the event that action on the USTA Petition and/or the Associations' Petition does not grant the extent of the relief requested herein, Georgetown requests a waiver of the requirements of 47 C.F.R. §§ 64.2401(a)(2) until April 1, 2000.

Respectfully submitted,

Georgetown Telephone Company

By



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November 9, 1999

**Declaration of Joie Miller
Vice President/General Manager of
Georgetown Telephone Company**

I, Joie Miller, Vice President/General Manager of Georgetown Telephone Company ("Georgetown"), do hereby declare under penalties of perjury that I have read the foregoing "Petition for Temporary, Limited Waiver" and the information contained therein regarding Georgetown is true and accurate to the best of my knowledge, information, and belief.

Date 11-9-99


Joie Miller
Vice President/General Manager

CERTIFICATE OF SERVICE

I, Shelley Davis, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that a copy of the foregoing "Petition for Temporary, Limited Waiver" of Georgetown Telephone Company was served on this 9th day of November, 1999 by hand delivery to the following parties:



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